

REMARKS

The Office action dated December 28, 2005 has been carefully considered. Claims 1-24 are active in this application. Further examination and reconsideration of the rejection of claims 1-24 are respectfully requested. Applicant also files concurrently herewith an RCE.

The rejection of claims 1-5, 7-10, 12-19 and 22-24 under 35 U.S.C. §102(e) as being anticipated by Duvall is respectfully traversed. However, in order to further the prosecution of this application, claims 1, 2, 4, 8, 17 and 24 have been amended in order to further distinguish the invention from the cited art. These claims now recite the concurrent activation of two virtual fences.

The cited art fails to teach, suggest or make obvious the concurrent activation of two virtual fences. None of the virtual fences described in the references appears to be serviceable as a "route fence." The fences discussed in the references appear to be merely positional and not directional as is implicit in the meaning of "route." Consequently, the geometric patterns or shapes (circular, polygon, etc.) defined by the fences of Duvall (see col 3., lines 48-49) don't define or detect deviations from a route, an important consideration involving a delivery vehicle. Duvall is more concerned with asset position as is Whelan (6,067,044) (previously cited), which gives examples of train movement in an effort to avoid collisions. The foregoing added limitations in the independent claims are now included in the respective dependent claims as well. It is therefore submitted that the claims 1-5, 7-10, 12-19 and 22-24 have been patentably distinguished over Duvall.

The rejection of claims 6, 11, 20 and 21 under 35 U.S.C. §103 (a) as being unpatentable over Duvall is respectfully traversed. In view of the previously discussed amendments to claims 1, 2, 4, 8, 17 and 24, it is submitted that Duvall fails to make the invention obvious under 35 U.S.C. 103 (a). As discussed above, there is nothing disclosed or suggested in Duvall that two virtual fences could be concurrently employed, and especially if one concerns a route determination in conjunction with one that is strictly limited to position, which would be the case with respect to claims 2, 8, and 17.

The rejection of claim 23 under 35 U.S.C. §103 (a) as being unpatentable over Duvall in view of Andre et. Al. (US2003/0151507) is respectfully traversed. In view of the amendment to

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claim 17, from which claim 23 depends, it is submitted that claim 23 is patentably distinct from any combination of Duvall with Andre for the reasons discussed above.

In view of the amendment and remarks, this case is submitted as being in a condition for allowance. Applicant therefore respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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